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In re Application of: BEHRENS Jurgen, et al. :
U.S. Application No.: 09/587,574 : DECISION ON PETITION TO
Filing Date: June 5, 2000 : REVIVE ABANDONED
Attorney's Docket No.: 103888-402-NP : APPLICATION UNDER
For: CONDUCTING PROTEIN AND A : 37 CFR 1.137(b)
RELATED AGENT FOR DIAGNOSING :
AND TREATING TUMOR ILLNESSES :

This decision is issued in response to applicant's "Petition To Revive Unintentionally Abandoned Application" filed with respect to international application PCT/DE98/02621 on 05 June 2000. Applicants have paid the required small entity petition fee.

BACKGROUND

International application PCT/DE98/02621 became abandoned as to the United States under 35 U.S.C. 371(d) at midnight on 02 March 2000 (thirty months after the priority date) for failure to pay the basic national fee.

On 05 June 2000, applicant filed the present application under 35 U.S.C. 111(a) as a continuation of international application PCT/DE98/02621, and the petition to revive international application PCT/DE98/02621 considered herein. The petition to revive was filed for the purpose of establishing continuity between the international application and the present continuation application.

DISCUSSION

All of the requirements of 37 CFR 1.137(b) for revival have been submitted. Applicants' statement that "the abandonment and the lapse of the time period since the abandonment, were unintentional" is interpreted as the statement required by 37 CFR 1.137(b)(3) that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." If this is **not** a correct interpretation of the petition, applicants **must** inform this Office immediately.

The filing of the present continuing application under 35 U.S.C. 111 is accepted as the appropriate response under 37 CFR 1.137(b). See MPEP § 711.03(c). International application PCT/DE98/02621 is being revived for purposes of continuity only and since continuity has been established by this decision reviving the international application, the international application is again abandoned in favor of the present continuing application number 09/587,574.

CONCLUSION

The petition to revive is **GRANTED**.

International application PCT/DE98/02621 is hereby revived for purposes of continuity, and since continuity has been established by this decision reviving the international application, the international application is again abandoned in favor of the present continuing application number 09/587,574.

This application is being returned to Art Unit 1642



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